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H.B. 303

SCHOOL CURRICULUM REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions that prohibit school officials and employees from endorsing, promoting, or disparaging certain beliefs or viewpoints.

Highlighted Provisions:

This bill:

- amends provisions that prohibit school officials and employees from endorsing, promoting, or disparaging certain beliefs or viewpoints;
- clarifies the application of the prohibition on viewpoint partiality;
- provides indemnification for claims arising from the prohibition on viewpoint partiality; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-10-202, as last amended by Laws of Utah 2023, Chapter 294

Be it enacted by the Legislature of the state of Utah:

H.B. 303

Section 1. Section **53G-10-202** is amended to read:

53G-10-202. Maintaining constitutional freedom in the public schools - Viewpoint neutrality.

(1) Except as provided in this section and Section 53G-10-206, any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve academic educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and LEA governing boards, may be undertaken in the public schools.

(2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

(3) Public schools may not sponsor or deny the practice of prayer or religious devotionals.

(4) (a) School officials and employees may not:

(i) use [~~their positions~~] the official's or employee's position, through instruction, materials, or a display of symbols, images, or language to endorse, promote, or disparage a particular:

(A) religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint[~~.~~];

(B) political or social belief or viewpoint; or

(C) viewpoint regarding sexual orientation or gender identity; or

(ii) invite, suggest, or encourage a student to reconsider or change the student's:

(A) religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint;

(B) political or social belief or viewpoint; or

(C) sexual orientation or gender identity.

(b) Nothing in this Subsection (4) prohibits an individual from:

(i) wearing religious clothing or accessories that are central to the individual's sincerely held religious belief;

(ii) displaying personal photographs of the individual's family members;

(iii) displaying the flag of the United States of America, the state, or another nation or state that is related to the relevant approved curriculum; or

(iv) discussing an age-appropriate topic or displaying an age-appropriate image or symbol that:

(A) is a component of an approved curriculum; and

(B) does not endorse, promote, or disparage as described in Subsection (4)(a).

(c) The state shall defend, indemnify, and hold harmless a person acting under color of state law to enforce this Subsection (4) for any claims or damages, including court costs and attorney fees, that:

(i) are brought or incurred as a result of this Subsection (4); and

(ii) are not covered by the person's insurance policies or by any coverage agreement that the State Risk Management Fund issued.

Section 2. **Effective date.**

This bill takes effect on July 1, 2024.